

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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CRIMINAL NO. MJG 17-0667

v.

*

DAVON CARTER,

*

Defendant

*

**GOVERNMENT'S MOTION TO EXTEND MAY 2, 2018 DEADLINE
FOR FILING NOTICE REGARDING DEATH PENALTY**

The United States of America, by and through its undersigned attorneys, respectfully moves for an Order to briefly extend the time in which it must notify the Court and the Defendant of its Intent to Seek Death Penalty for a period of forty-five (45) days from the current scheduled deadline of May 2, 2018 through June 18, 2018, and as grounds therefore does state:

1. On December 12, 2017, a sealed indictment was returned by the Grand Jury for the District of Maryland charging the defendant with: Conspiracy to Murder a Witness (Retaliation), 18 U.S.C. §1513(f); Witness Retaliation Murder, 18 U.S.C. §1513(a)(1)(B); Conspiracy to Murder a Witness (Tampering), 18 U.S.C. §1512(k); Witness Tampering Murder, 18 U.S.C. §1512(a)(1)(A); Felon in Possession of Ammunition, 18 U.S.C. §922(g); Possession with Intent to Distribute Marijuana, 21 U.S.C. §841; and Aiding & Abetting, 18 U.S.C. §2.

2. Counts One through Four carry a sentence of life imprisonment or death. As a result, this case is currently being reviewed by the Attorney General (AG) to determine if the government should seek a death sentence.

3. Following a telephone conference with the parties on February 8, 2018, the Court issued an Order setting certain deadlines in the case. ECF 20. The trial was set for January 7,

2019 with “an estimated trial duration of 3 to 5 weeks and possibly further proceedings in February 2019 if there is a guilty verdict and if the case is a capital case.”

4. During the conference call, government counsel indicated it was likely the AG’s office would request a conference with counsel. By email dated April 6, 2016, undersigned counsel advised defense counsel that, “The Attorney General’s Review Committee on Capital Cases has requested a conference with you both regarding this case and have asked me to confer with you and advise of a mutually convenient date over the next 4-6 weeks.” To date, defense counsel has not provided a suggested date and time for the conference based on their personal schedules. The conference typically addresses any legal or factual arguments (including mitigation) defense counsel would make on behalf of his client regarding the death penalty. At this point, it is highly unlikely a conference can be held and a decision made before May 2, 2018.

5. In that same email, undersigned counsel sought defense counsel’s position on this Motion for Extension. In reply, Defense counsel advised that he would contact undersigned counsel this Friday, April 20, 2018.

6. The trial has been scheduled and motions have not yet been filed. Discovery has been provided and additional discovery is being prepared pursuant to the Consent Protective Order signed by the Court on April 5, 2018 and will be made available once the Defendant’s Acknowledgment Form has been received.

7. For the above reasons, the Government respectfully submits that a 45-day extension for a decision from the AG’s Office, with a status report set thereafter, is not unreasonable and would not prejudice the defendant in this important case.

8. A proposed Order is attached for the Court's consideration.

Respectfully submitted,

Robert K. Hur
United States Attorney

/s/

By: _____

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